



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.R.C (MD) No.552 of 2018
and
CrI.M.P (MD) No.7661 of 2018

M.Ramachandran : Petitioner/Accused No.2

Vs.

1. The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Kovilpatti.

2. The Inspector of Police,
East Police Station,
Kovilpatti.

: Respondents/Complainant

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records of the second respondent in M.C.No.353 of 2018 dated 20.08.2018 and to set aside the same as illegal.

For Petitioner : Mr.Babu Rajendran
For Respondents : Mr.A.Robinson,
Government Advocate(CrI.Side)

ORDER

This criminal Revision case has been filed to set aside the order dated 20.08.2018 passed in M.C.No.353 of 2018 by the second respondent.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(CrI.Side) for the respondents.

3.The revision petitioner alleges to have purchased the stolen property and the Inspector of Police attached to East Police Station, Kovilpatti had informed the Revenue Divisional Officer to initiate action against the petitioner under Section 110(c) Cr.P.C for habitually protects or harbours thieves who are involved in Jewel theft.



4. The learned counsel appearing for the petitioner would submit that on receipt of the information from the Inspector of Police, the Revenue Divisional Officer should have caused notice to the persons who alleged habitual harbours thieves and thereafter make an order in writing as per Section 111 Cr.P.C. In this case, the information itself has been taken on file with assigning No.39/Security/D1PS/2018. The Revenue Divisional Officer had issued notice for hearing on 10.09.2018, which is now been adjourned to 03.10.2018.

5. The learned counsel for the petitioner is pointing out that a formal notice under Section 111 Cr.P.C has not been issued by the Revenue Divisional Officer and hence, the petitioner seeks to stay of all further proceedings and quash the communication.

6. The learned Government Advocate (Crl.Side) would submit that though separate notice has not been issued by the second respondent herein, he has applied his mind before causing notice.

7. The records produced by the Government Advocate (Crl.Side) indicates that the Revenue Divisional Officer has gone through the information given by the Inspector of Police and ordered notice. However, the Revenue Divisional Officer instead of issuing separate notice, he has forwarded the copy of the information of the Inspector mentioning the hearing date. For the reason that notice has not been issued in accordance with the provision under Section 111 Cr.P.C, this Court is constraint to direct the second respondent as below:-

"The first respondent is hereby directed to issue separate notice to the revision petitioner herein under Section 111 Cr.P.C and proceed in accordance with law".

8. With the above direction, this Criminal Revision Case is disposed of. Consequently, connected miscellaneous petition is closed.

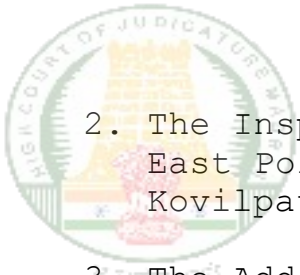
Sd/-
Assistant Registrar (Protocol)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti.



2. The Inspector of Police,
East Police Station,
Kovilpatti.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.BABU RAJENDRAN, ADVOCATE IN SR No. 87271

CP

TE/SV/SAR-1 : 01/11/2018 : 3P/5C

ORDER MADE IN
Crl.R.C(MD)No.552 of 2018 and
Crl.M.P(MD) No.7661 of 2018
27.09.2018